

KIRKLAND & ELLIS LLP

Kenneth A. Young
To Call Writer Directly:
+1 713 836 3636
kenneth.young@kirkland.com

609 Main Street
Houston, TX 77002
United States

+1 713 836 3600

www.kirkland.com

Facsimile:
+1 713 836 3601

September 24, 2024

VIA ECF

George C. Hanks, Jr.
United States District Judge
Southern District of Texas
515 Rusk St., Room 6202
Houston, TX 77002

Re: In re Alta Mesa Resources Securities Litigation, 4:19-cv-00957-GCH

Dear Judge Hanks:

Bayou City Energy Management, LLC (“Bayou City”) requests oral argument on its Rule 12(b)(1) Motion to Dismiss for Lack of Standing, ECF No. 783. Trying the claims against Bayou City would be a waste of the Court’s and jury’s time because Plaintiffs lack standing under black letter law. *See Blue Chip Stamps v. Manor Drug Stores*, 421 U.S. 723, 747 (1975). This is as bright line a rule as they come. Applying the rule as written will simplify the trial, eliminate three defendants (and their respective law firms) from the case altogether, and further a global resolution.

Oral argument will allow Bayou City to readily show that this case fits squarely within the holding of the Supreme Court and as applied to materially identical facts by the Second Circuit and Ninth Circuit. This is a standing issue. Timing is completely irrelevant (although to be clear, Bayou City would have asserted this motion years ago had Plaintiffs pleaded these claims in their complaints, which they did not). There is no basis to decide the plaintiffs’ *standing* after the trial begins when the relevant facts are all undisputed. This Court should not waste a jury’s time and millions of dollars of the parties’ resources on the premise that the Fifth Circuit will split from well-reasoned circuit court opinions applying clearly established Supreme Court precedent.

Sincerely,

/s/ Kenneth A. Young

Kenneth A. Young